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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,564	05/07/2007	Dirk Salmon	H0075.70115US00	8565
23628 7590 03/16/2010 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER COOLMAN, VAUGHN				
ART UNIT 3618		PAPER NUMBER		
MAIL DATE 03/16/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,564

Applicant(s)

SALMON, DIRK

Examiner

VAUGHN T. COOLMAN

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/18/2010 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by

Kozlowski (U.S. Patent No. 6,218,796 B1).

[claim 1] Kozlowski discloses a cart (10) including:

a base (not labeled);

at least three wheels (44, 50) mounted to the base;

a structure (cabinet 12), arranged over the base, inherently capable of receiving cleaning utensils;

a handle (48); and

at least one electric motor (52) functionally linked to a transmission (110) and acting upon at least one of the wheels (50), the motor being arranged on the underside of the base; and an accumulator arrangement (battery 54) mounted on the underside of the base, wherein the accumulator and the wheels are directly mounted to the same surface of the base.

[claim 3] Kozlowski further teaches a control arrangement connected to the at least one electric motor and the accumulator arrangement is provided therein, which includes an operating device (56) proximate to the handle (48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara et al (U.S. Patent No. 5,746,282) in view of Kozlowski (U.S. Patent No. 6,218,796 B1).

[claim 1] Fujiwara discloses a cart (10) including:

a base (1);

at least three wheels (2, 3) mounted to the base;

a structure (FIG 48), arranged over the base, capable of receiving cleaning utensils;

a handle (4); and

at least one electric motor (6a, 6b) functionally linked to a transmission ("associated gear train" not shown) and acting upon at least one of the wheels, the motor being arranged on the underside of the base.

Fujiwara discloses all of the elements of the claimed invention as described above except for explicitly disclosing an accumulator arrangement mounted on the underside of the base. Kozlowski teaches an accumulator arrangement (battery 54) mounted on the underside of the base of a cart, wherein the accumulator and the wheels of the cart are directly mounted to the same surface of the base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the accumulator arrangement of Kozlowski as a power source for the electric motors of Fujiwara (needed for operation).

[claim 3] Kozlowski further teaches a control arrangement connected to the at least one electric motor and the accumulator arrangement is provided therein, which includes an operating device (56) proximate to the handle (48).

[claim 4] Fujiwara further shows at least three wheels comprises four wheels arranged under the base, with two wheels being fixed and two wheels being steerable.

[claim 5] Fujiwara further shows the fixed wheels are arranged approximately at a center of the cart in the region of side edges of the base and one movable wheel is arranged centrally in each of a front edge region and a rear edge region of the base when seen in the driving direction.

[claim 6] Fujiwara further shows the at least one electric motor comprises two electric motors, each functionally linked with a fixed wheel via a transmission, and each arranged approximately at the center of the base.

[claim 7] Fujiwara further discloses at least one electric motor, being arranged approximately at a center of the base, and wherein the motor is functionally linked to the fixed wheels via a transmission having differential.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Kozlowski and further in view of Andes (U.S. Patent No. 6,443,252 B1).

[claim 8] Fujiwara in view of Kozlowski discloses all of the elements of the claimed invention as described above except for a joystick proximate the hand grip (4). Andes teaches an electric cart (10) including a hand grip (24) and a joystick (34) proximate the hand grip. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the joystick and hand grip configuration as taught by Andes in order to provide the advantage of separate controls for manual and powered movement of the cart.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Kozlowski and further in view of Salmon (DE 100 10 852 A1).

[claim 9] Fujiwara in view of Kozlowski discloses all of the elements of the claimed invention as described above except for a docking rail. Salmon teaches (FIGS 3 and 10) a docking rail (transverse rail adjacent the operator stand) arranged in a marginal region of the base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the docking rail as taught by Salmon in

order to provide the advantage of connecting more than one cart together for increased efficiency as shown in FIG 10 of Salmon.

[**claim 10**] Fujiwara in view of Kozlowski discloses all of the elements of the claimed invention as described above except for a stand for an operator. Salmon teaches a cart including a stand for an operator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the operator stand of Salmon in order to provide the advantage of decreased operator fatigue.

[**claim 11**] Examiner notes that the integration of the stand into the base would have been obvious to one of ordinary skill in the art at the time the invention was made. Integrating the platform would result in a stronger and more durable base for the cart.

[**claim 12**] Salmon further teaches the stand including a standing platform having wheels (14) and being attachable to a base of the cart.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Romick (U.S. Patent No. 6,000,486) and Clark Jr. et al (U.S. Patent Application Publication No. US 2006/0144624) teach wheels and a battery for a cart mounted on the same underside surface of the cart.

Kresse et al (U.S. Patent No. 5,913,528) teaches a cart having an auxiliary wheeled platform attached thereto).Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAUGHN T. COOLMAN whose telephone number is (571)272-6014. The examiner can normally be reached on Monday thru Friday, 10am-8pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617

VAUGHN T COOLMAN
Examiner
Art Unit 3618

/V. T. C./

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